

MINUTES  
REDISTRICTING COMMITTEE MEETING  
MUNCIE COMMON COUNCIL  
300 NORTH HIGH STREET  
MUNCIE, INDIANA 47305

**JULY 27, 2022****COMMITTEE MEETING:** 5:30 P.M., 1<sup>st</sup> Floor City Hall Auditorium.**PLEDGE OF ALLEGIANCE:** Led by Roger Overbey.

<b>ROLL CALL:</b>	<b>PRESENT</b>	<b>ABSENT</b>
Chairman Brad Polk	X	
Members Aaron Clark	X	
Troy Ingram	X	
Jeff Robinson	X	
Jerry Dishman	X	

**DISCUSSION OF REDISTRICTING:**

Councilman Polk, Chairman of the Redistricting Committee, opens the discussion up for Council and refers to looking at the largest District (which is District #2) to the smallest District (which is District #1) and there not being much variation between the two, believing it was at about 11%. Council Attorney Dan Gibson confirms. Polk is aware the percentage is supposed to be at 10% but he just does not know if there is a whole lot that they can do. It was mentioned at the last meeting that they maybe look at possibly hiring somebody from the outside and he would be fine with that. Polk has gone over the numbers in trying to switch things around and spent about 4 to 5 hours on it but claims it just would not come out right. It was not contiguous with the other Districts and things like that and then if they were contiguous, it was too big or too small. It actually resulted in more of a deviation on some of the drafts so that didn't work either. On the wishes of the Committee, Polk questions if they want to look at maybe getting some quotes from outside vendors. He is aware that the city of Anderson just did this about 2 months ago. Therefore, he could reach out to the one of their Council Members and see if they have any insight or recommendations. There is also the possibility of going local and using the County Office of Information and GIS Services and their Chief Information Officer Kyle Johnson to see if he can lend a hand. Those were his thoughts were on it and he doesn't know if they are going to be able to change much of it because of the way the certain Districts (such as in Dishman's District #5 having a very large Precinct with over 6,000 people) that live in that one Precinct. They really can't do a whole lot with those and then there's a couple other Districts that are around the Ball State area and have a large population which really kind of throws the rest of the city off (in his opinion). Everything else is pretty average but those are 2,200 and up to 6,000-something in Precinct 27 believing it is over 6,200 people. As he said, he would follow the wishes of the other Committee members.

Robinson states he had the same experience Polk did. The problem being that the largest Precincts are the ones often times that are bordering each of those Districts so to move one into the other then skews the entire thing. The smaller Precincts (the ones where you could actually get a little bit closer) happen to be in the middle of most of the Districts. For example, District #26 is right smack dab in the middle of Robinson's District and recalls how the rules state that they need to be contiguous. Regarding the email

that they received today from Council Attorney, the way that the Districts are drawn right now, we are currently within the guidelines.

Council Attorney Dan Gibson states yes and explains for the people watching on the livestream, the statute says the District needs to be contiguous, reasonably compact, not cross Precinct boundary lines (although they can if necessary but preferred that that doesn't happen), and then contain as nearly as possible an equal population. The 10% that has been discussed comes from federal case law where people have challenged the constitutionality of a redistricting plan where the Districts are just so disparate or the deviation is so large that it rather violates the one-person one-vote rule as the Supreme Court has called it from the Constitution. So, 10% just simply means you are presumptively constitutional if somebody were to attack the constitutionality of it, but if over 10%, they can still be within the bounds of the law if it is justified and doing it because it's necessary to keep them reasonably compact, keep the district's contiguous and not cross Precinct lines. Gibson thinks where we are now is certainly legal but thinks a third party could also pretty easily – if they get a qualified person to take a look and see if there is a way to move a couple of around to make it a little lower, but, he tried as well. Claiming he is not a mathematician but tried to just as Polk and Robinson did and actually made the deviation worse than what it was. He thinks what was done 10 years ago and with there (probably) not being a large change in any particular District's population then we are probably still fine with what we are doing. In his opinion, it is worth having Kyle Johnson take a quick look to be able to tell quickly with some software so that they don't have people spending three hours with a pen and paper trying to figure out how to line them out.

Robinson indicates he is totally in favor of going to a third party and actually thinks that is a great next step. His only concern and what he is afraid of is that in order to get this as close as they can possibly get it that it would drastically change the Districts. He can speak for himself, as a District representative, he has built relationships with neighborhoods within his District and doesn't want to lose any of them. He would certainly hate for, in that effort, to have a third party look at it and redraw all these lines so much that it would take current Council representatives completely out of their District and place them in another. He knows 11 or so years ago that his Precinct where he lives was in Polk's District. That is his concern but he is happy to make a motion that they seek a third party's input on this. If it comes back and it is wildly different then we are within the guidelines with this year and can always choose to stick with what we've got.

A motion is made by Robinson and seconded by Clark to explore a third-party opinion and a third-party expertise on redistricting.

Ingram has some comments he would like to express before they vote. From the research he has done and discussed with City Council's legal counsel, we are within the limit. There is nothing that is really egregious as far as the spread of the Precincts. He has the perspective of 'if it is not broke, let's not spend more money to fix it.' He would be willing to look into how much it would cost to have a third party do something like that but (as he said ) if they are within regulations and there is no real issues... Additionally, he agrees with Legal Counsel that it is going to look totally different on the map if they were to find a way to do this. He would agree to take some bids to find out what it would cost to do but as he just said, he would rather not spend the money unless they absolutely really need to.

Robinson confirms with Dan Gibson if they just need to vote on if they want to look into a third party and once they get the price/cost, they don't then need to come back and vote to approve that cost. Attorney Gibson states yes, it is just a service so not subject to the typical bidding requirements. He believes expenditures is something that comes out of the Council budget and might even be the Council President's discretion to do that. They could also seek somebody that isn't going to charge as well and is why he suggested Kyle Johnson as being a good place to start. Additionally, maybe there are some

volunteers out there that might have some expertise through Ball State, for example. But yes, Gibson assures they wouldn't have to come back as long as they have the money to pay for it, that is, if they wanted to pay somebody.

Robinson assures they have several thousands of dollars in Other Services & Charges for the Council and it is as the discretion of the President to spend that. Once they get that price, he assures they would not be violating any rules by telling the Committee members what the cost of that might be. Gibson answers no and is unsure how quickly they could get a few quotes but refers to the upcoming regular City Council meeting on Monday and they could discuss it publicly then and vote (if they want to feel comfortable with) but it is not required as it is just a service and not subject to bidding requirements.

Dishman agrees with Ingram, if it's not broke there is no reason to fix it. He agrees with getting quotes but is one that does not want to spend money when it is not broken. However, he is comfortable with leaving things the way they are. He wishes they could just get the quote and come back to make their decision.

Robinson advises to do that because (whatever that price is) as President of Council, he can make the decision whether or not to spend that money. He will make sure to get that input from each person on the Committee before committing to doing anything. If the prices is a little more than what they are comfortable with they can certainly then go to the next step, which would be to consider bringing this back.

Dishman comments he was one of the ones thrown out of their area. He informs he was in Morningside area and how he had a pretty good relationship with everyone out there and now he isn't even their Councilman.

Polk states it is the same thing with him, as he had a #34 and #36 and had developed a relationship with them and then they moved. They left #3 which was (kind of) right smack dab in the middle of them which was somewhat weird.

Ingram confirms they are going to reach out to Kyle Johnson. Polk replies yes and that he will call him tomorrow to see if he might do that for a nominal charge of zero, which would be nice. That way, they would at least have his opinion and if they can do anything to make it more compact as far as numbers wise. He might have some great software that could redo it but he thinks it is worth (at least) investigating and reaching out to see. He may come back at \$500 or something and if so, Polk will let Robinson and everybody know. Robinson could then make that decision, hopefully by Monday at the Council meeting.

Robinson states he will not be comfortable making that decision unilaterally and will reach out to make sure to get the input of everybody on the Committee before he makes any decision on whether or not to move forward with that.

Polk advises all 5 members of the Committee to just put it out there and communicate that way so it is open and Robinson isn't in the hot seat. Robinson agrees and comments he does not want to spend Council money unless everybody is on board.

Attorney Gibson informs if they know by Monday then obviously, the best way to do it would be to bring it up in Other Business and only have the 5 Committee members deliberate or vote on that at Monday's meeting. There would be nothing wrong with that.

Polk goes back to the motion that Robinson made and questions if he would like to pull it. The motion was to explore a third party. Polk asks if they just want to take bids (change the wording).

Robinson withdraws his motion. MOTION WITHDRAWN. A motion is made by Robinson and seconded by Clark to inquire about a third party.

Clark states he is more comfortable with a third party (at least) analyzing and seeing it. Polk replies at least they are showing their due diligence in trying to address the Districts as they are a little off. However, he is not an expert. Clark informs they are up against the clock and some cities have done a citizen group that can help (although, sure Mr. Johnson could do a good job). Clark states he is not comfortable with them as Council people drawing or redrawing their Districts that some of them may be running for re-election in or are in those Districts. That just gives a feel of gerrymandering and he thinks that is something they need to get away from. Allowing a third party to come and get a good look at it, no matter what the cost really (as he is sure that is not tens of thousands of dollars) but thinks at some point they have to look at it and clarify if these Districts are drawn correctly and where they should be.

Polk comments the good thing is this only comes up every 10 years. They can see that down the road and then know what they need to budget for and how much it is going to cost (and if very well could be free). It would be beneficial just to know that. If Mr. Johnson could come up with something or maybe he just says it is beyond his reach then maybe they need to do something different and go in a different direction.

Clark refers to our Code, Muncie Municipal, there really being no direction on the process. Polk agrees. Clark states maybe they have dropped the ball (a little bit) on it but going forward, even though it is only 10 years, why not input some guidelines for future councilmembers on what the process should be.

Robinson refers to what he has heard in the past. Each political party would take a shot at the map and then those political parties... Clark advises they want to avoid that. Polk and everyone agrees and informs that was how it was done the last time. He explains they were basically presented it, no Committee, no meetings, there was nothing. It was just, this is the ordinance and they voted.

Clark states there are some government websites, [redistricting.org](http://redistricting.org), that Bloomington and Indianapolis use which that may be something our GIS coordinator could access pretty quickly and possibly use as a tool in addition to the technology to make it happen a lot faster.

A roll call vote showed 5 yeas and 0 nays. MOTION CARRIED. Third party inquiry considered on Redistricting.

## **PUBLIC DISCUSSION:**

Mark Kinman states they pretty much discussed everything that they needed to discuss. He does think a third party coming in and taking a look at it would be better than getting an inside person. If the cost is \$2,000 or \$3,000 and is in their budget, then spend it and get it done. It is going to be that way for 10 years so they have to get it over with. If it is not going to work, he is with Dishman and Ingram to leave it like it is. If the state says they can leave it then they should. Why screw with something that doesn't need to be screwed with?

Polk explains the thing is with that is how they made it worse when they tried to redraw it. It is tough to do. But, he thinks a third party would be very beneficial. That way, it is still in their hands but at least a third party has looked at it and it is not just the 5 members of the Committee.

Kinman asks the clarification of the motion, to receive bids. Polk answers yes. The Council Secretary confirms the motion is to inquire about third party.

Councilman Overbey, from the audience, knows they are now looking at the third-party bids... and, if they are in the guidelines, the old acronym KISS comes to mind for him. Like Ingram, said if it's not broken why fix it? But if you can get it done cheap and it looks like it is not a political move... If it doesn't need to be fixed then he doesn't see jumbling numbers around and possibly making it worse. They should just stay within the guidelines and as long as they are legally in the guidelines, that is a good place to be.

Polk agrees and thinks that anybody up here would say they don't want to change it if come to find out there's nothing that can be done then they don't want to change it just to change it or just to change it for a benefit of somebody. If they are saying there is nothing they can do then he would definitely be fine with leaving it the way it is. If it doesn't cost a lot of money... If it is \$10,000 or \$15,000 then probably not right now but if it's a couple hundred bucks that Mr. Johnson or whoever wants to do something like that and then he thinks they owe it to their constituents to do that.

Kinman comments like they have already said, the Council has people in their Districts that they have dealt with and deal with on a daily basis. Dishman's situation was where he lost people he dealt with for a while and suggests not doing that shit again. Again, if we don't need to do it then don't do it. If they start changing it, it is going to start pissing people off one way or the other.

Robinson thinks over the course of the last 3 or 4 years, at least a large number of people in Muncie have just now learned what District they are actually in and what District actually represents them. He does not know that before then and admittedly, he himself thought he was in Polk's District because the map that was online was the old map when he was actually in Dan Ridenour's District at the time. He can say that the people in his District don't have any problem of finding who they need to talk to if they are trying to get in touch with him. That is another side of it, making sure that people are educated on who represents them.

Polk knows that Dishman has gotten calls from some of Polk's constituents because of how their Precinct used to be in Polk's District. Same with Robinson. He had someone ask him once why someone else was running against him and he had to inform them that they weren't. That person lives in your neighborhood and is one of your neighbors, further explaining how they used to be in his District but not anymore.

Robinson has to ask and point of clarification on Polk's calendar and asks if this is the calendar that he carries around with him. Polk answers he does, believe it or not. Robinson wants him to hold it up so the livestream can see but Polk refuses. Robinson just explains it is the Saturday Evening Post full-sized calendar. Gibson comments the Norman Rockwell of calendars. Polk jokes, brought to them by Thrive Credit Union. Clark teasingly asks if Polk knows a good time the fish are going to be biting tomorrow. Polk states the funny thing is that between he and his wife, they have to have a calendar. Robinson suggests their phones. Ingram puns that Polk takes it down from the kitchen refrigerator and takes it everywhere they go and puts it back up at the end of the day. Polk answers no, his wife has her own calendar too. Robinson apologizes but states he could not get through the meeting without pointing it out. Kinman asks if Polk is interested in the small pocket-sized calendars he is able to get for them. Polk informs he already has some. Robinson refers to his father working at IMI who were famous for their calendars being like 3 ft by 4 ft and is going to see if he can get Polk one of those to roll up and stick in his back pocket. Robinson comments he just couldn't have forgiven himself if he didn't ask about it.

Kinman encourages them to have something on this to discuss Monday since it doesn't appear to be a long meeting. Polk hopes that Kyle Johnson will be in tomorrow when he reaches out to him and he will report back. Hopefully Monday they can determine if they will move forward or just go ahead and vote at the next Committee Meeting to bring their recommendation to the full Council.

Ingram tells Kinman not to jinx them. Kinman replies he couldn't believe there wasn't that many ordinances and resolutions filed for August. Questions called.

#### **ADJOURNMENT:**

A motion was made by Ingram and seconded by Dishman to Adjourn. A vote by acclamation showed 4 yeas and 1 nay (Robinson). MEETING ADJOURNED.

Jeff Robinson, President of the  
Muncie Common Council

Belinda Munson, Muncie City Clerk  
of the Muncie Common Council

Brad Polk, Chairman of the Redistricting  
Committee of the Muncie Common Council

